

ENTERED

August 16, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KEITH COLE, et al.,

§

Plaintiffs,

§

VS.

§

CIVIL ACTION NO. 4:14-CV-01698

BRYAN COLLIER, et al.,

§

Defendants.

§

ORDER

Pending before the Court is a *pro se* Motion for Emergency Protection Order and Transfer to a Safe Facility filed by state inmate David T. Moore, TDCJ-CID # 1165885. Mr. Moore seeks the Court's intervention based on allegations that he has been denied medical care.

The Court's jurisdiction in this matter remains limited in scope. The settlement in this lawsuit establishes a mechanism for class members to raise concerns about violation of their rights under the Settlement. Class members may inform Class Counsel of alleged violations, and Class Counsel will investigate such violations and bring them to the attention of the Court if the parties cannot resolve the dispute. (Docket Entry No. 1188, p. 20.) The Final Order approving the settlement in this class action explicitly states: "The Court retains jurisdiction over enforcement of the Settlement, and may address *substantiated* claims of retaliation that are directly related to the Settlement, and raised by Class Counsel." *Id.* (emphasis added).

The Court must deny Mr. Moore's motion. Mr. Moore's motion does not establish a substantiated claim of retaliation directly related to the Settlement in this case, nor is the claim

raised by Class Counsel. Accordingly, Mr. Moore's Motion for Emergency Protection Order and Transfer to a Safe Facility is **DISMISSED WITHOUT PREJUDICE**.

As the Court has repeatedly stated both in formal Orders, *see, e.g.*, Docket Entry Nos. 1733, 1826, 1869, 1940, 2028, and informal responses to letters it has received from class members and other interested individuals, incarcerated persons with concerns or complaints regarding conditions of confinement can file grievances through procedures posted at their units. Any claim for judicial relief from the courts must be pursued through a separate, properly filed lawsuit in a court of appropriate jurisdiction after exhausting available administrative procedures.

IT IS SO ORDERED.

Signed at Houston, Texas on August 16, 2022.



Keith P. Ellison
United States District Judge